

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LARRY D. THOMAS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.: 02:05-CV-437-WKW
)	
R. JAMES NICHOLSON,)	
SECRETARY, DEPARTMENT OF)	
VETERANS AFFAIRS,)	
)	
Defendant.)	

MOTION FOR LEAVE TO FILE DOCUMENT

Comes now the defendant, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully requests that it be allowed to file the attached document, and as grounds state as follows:

1. The defendant filed his Motion to Dismiss, or in the Alternative, for Summary Judgment and associated papers on Wednesday, October 11, 2006.
2. Attachment E to Defendants Exhibit 2 to that motion was an unsworn statement of Himanshu Singh, M.D.
3. Due to Dr. Singh's unavailability on October 11, 2006, the defendant was unable to have the attached declaration portion of Attachment E executed in time to be filed with the other materials.

WHEREFORE, premises considered, it is respectfully requested that the attached declaration of Himanshu Singh, M.D. be added to Defendants Exhibit 2, Attachment E which was filed with the Defendants Motion to Dismiss, or in the Alternative, for Summary Judgment.

Respectfully submitted this the 12th day of October, 2006.

LEURA G. CANARY
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and have sent a copy of the foregoing via the U.S. Mail, first class postage prepaid to:

Mr. Larry D. Thomas, pro se
3327 Lunceford St.
Montgomery, AL 36108

s/R. Randolph Neeley
Assistant United States Attorney